

tion or any agent thereof; and provided, further, that whenever such pipes or pipe lines shall cross any public road or highway, railroad, street railroad, or street or alley, the said pipes and pipe lines shall be so buried and covered as not to interfere with the use and occupancy of such road, highway, street or alley by the public, or use and occupancy of such railroad or street railroad by the owner or owners thereof.

Sec. 2. That every person, firm, corporation, limited partnership, joint stock association, or association of any kind whatsoever owning, operating or managing any pipe line, or any part of any pipe line within the State of Texas for the transportation of crude petroleum that is declared to be a common carrier by and is subject to the provisions of Chapter 30 of the General Laws passed by the Thirty-fifth Legislature approved February 20, 1917, shall have the right and power of eminent domain, in the exercise of which he, it, or they may enter upon and condemn the lands, rights of way, easements and property of any person or corporation necessary for the construction, maintenance or operation of his, its, or their common carrier pipe line, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as is provided by law in the case of railroads; and shall have the right to lay his, its or their pipes and pipe lines across and under any public road, provided that no pipes or pipe lines shall be laid parallel with and on any public highway, closer than fifteen feet from the improved section thereof except with the approval and under the direction of the commissioners court of the county in which such public highway is located, or under any railroad, railroad rights of way, street railroads, canal or stream in this State, and along and under any street or alley in any incorporated city or town in this State with the consent and under the direction of the board of aldermen or city council of such city or town, and such other rights in the matter of laying pipes and pipe lines as are conferred by Article 1306 of Chapter 24, Title 25 of the Revised Civil Statutes of Texas of 1911 as amended by this Act, upon corporations organized under said Chapter 24, subject, however, to the

conditions, limitations and restrictions therein stated.

Sec. 2a. That every person, firm, corporation, limited co-partnership, joint stock association or associations of any kind whatsoever owning, operating, or managing any pipe line, or any part of any pipe line within the State of Texas for the transportation of Fuller's earth for the public for hire, the same are hereby declared to be common carriers, and shall have the rights and power of eminent domain, and may condemn the necessary rights, rights of way and easements, under the same terms, and subject to the same conditions as are conferred by Sections 1 and 2 of this act, on like persons natural or otherwise, owning, operating or managing crude petroleum pipe line or lines.

Section 3. That all laws in conflict herewith be and the same are hereby repealed.

The fact that Chapter 30 of the General Laws of the Thirty-fifth Legislature imposed upon persons, firms, corporations, limited partnerships, joint stock associations, and other associations owning and operating pipe lines the duty and burden of being common carriers under certain conditions therein defined, without the corresponding right to condemn lands, rights of way and easements so as to make it possible for them to perform their common carrier duties, and the fact that such lack of power will seriously interfere with the construction and operation of pipe lines, the development of the State and the performance for the public of the common carrier duties defined and imposed in said Chapter 30 creates an emergency and imperative necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

FORTY-FIRST DAY.

Senate Chamber,

Austin, Texas, March 11, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Strickland. Suiter.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorough.

Petitions and Memorials.

There were none today.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Dayton:

S. B. No. 395, A bill to be entitled "An Act amending the City Charter of the city of Gainesville, Texas, by adding thereto this Act, authorizing the city council of said city to issue refunding bonds of said city for the purpose of refunding any outstanding unpaid bonds of said city without the necessity of ordering and holding an election, and declaring an emergency."

Read first time and referred to Committee on Town and City Corporations.

By Senators Strickland and Cousins:

S. B. No. 396, A bill to be entitled "An Act to amend Article 1723 of Title 34, Chapter 4, of the Revised Civil Statutes of the State of Texas, relating to the terms of the district courts; prescribing the manner of holding regular and special terms of the district courts in the State of Texas, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator McNealus:

S. B. No. 397, A bill to be entitled "An Act providing for the appointment of Official Grand Jury Stenographers by the Criminal District Judges of Dallas and Bexar counties, and prescribing the qualifications and duties of said official stenographers and providing for their compensation and prescribing the time and method of transcribing the evidence and testimony taken before said grand juries, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Floyd:

S. B. No. 398, A bill to be entitled "An Act to create a more efficient road system for Delta county; providing for levying and collecting taxes; etc.; and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senate Joint Resolution No. 24.

The Chair laid before the Senate on third reading:

S. J. R. No. 24, being a resolution to be entitled "A Joint Resolution proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 59; providing that the Legislature shall have power to enact laws authorizing a division of the net proceeds arising from the operation of the prison system of this State between the State and prisoners confined in the penitentiary or their dependents; providing for the submission of a proposed amendment to a vote of the people, and making an appropriation to defray the expenses of such election."

The bill was laid before the Senate, read third time, and on motion of Senator Johnston, was passed by the following vote:

Yeas—27.

Alderdice.	Caldwell.
Bailey.	Carlock.
Bell.	Clark.
Buchanan of Bell.	Cousins.
Buchanan of Scurry.	Dayton.

Dean.	McNealus
Dorough.	Page
Dudley.	Rector.
Faust.	Smith
Floyd.	Westbrook
Gibson.	Williford
Hall	Witt
Hertzberg	Woods
Johnston	

Absent.

Hopkins	Strickland
Parr	Suiter

Senate Bill No. 72.

The Chair laid before the Senate on third reading:

S. B. No. 72, A bill to be entitled "An Act to amend Articles 3234 and 3244 of the Revised Statutes of 1911, by consolidating them and by adding thereto certain provisions for the taking of depositions in cases of probating wills and other proceedings in estates where there is no opposing party or attorney of record upon whom service of notice and copies of interrogatories may be had."

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

Senate Bill No. 326.

The Chair laid before the Senate on second reading:

S. B. No. 326, A bill to be entitled "An Act to provide for the organization, incorporation and admission, and the regulation, taxation and control of incorporated mutual insurance companies, other than life; repealing all laws in conflict herewith, with certain exceptions; and declaring an emergency."

The committee report carrying amendments was adopted.

Senator Carlock offered the following amendments:

(1) Amend Senate Bill No. 326, Section 10, page 5, by striking out, after the words "not less than the cash premiums" at line 9, the words, "or may be solely a cash premium without additional contingent premium unless the company has a surplus which is not less in amount than the capital stock required of domestic stock insurance companies transacting the same kinds of insurance."

And substituting therefor the following: "nor more than five such cash premiums, as shall be fixed by by-law, and such contingent additional premium or premiums shall not be considered an asset of such company until it shall have been actually assessed and collected."

(2) Amend Senate Bill No. 326, Section 12, page 5, line 18, by adding thereto the following paragraph: "The expenses of all companies incorporated under this Act must not exceed an amount equal to 40 per cent of the annual premiums and a statement must be made annually to the Commissioner by the president or secretary of the company that they are being so limited."

(3) Amend Senate Bill No. 326, Section 16, subdivision "D," page 7, by adding thereto at line 19 the following, "provided such company shall have a net surplus of not less in amount than the capital stock required of domestic stock insurance companies transacting the same kinds of insurance and independent of the required unearned premium reserve."

Amend Section 16, subdivision "E," page 7, by adding thereto after line 23 the words, "and having the surplus required of companies organized outside of this State."

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 326 put on its third reading and final passage by the following vote:

Yeas—29.

Alderdice.	
Bailey.	Gibson.
Bell.	Hall
Buchanan of Bell.	Hertzberg
Buchanan of Scurry.	Hopkins
Caldwell.	Johnston
Carlock.	McNealus
Clark.	Page
Cousins.	Parr
Dayton.	Rector.
Dean.	Smith
Dorough.	Westbrook
Dudley.	Williford
Faust.	Witt
Floyd.	Woods
	Absent.

Strickland.	Suiter
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The bill was laid before the Senate,

read third time and, on motion of Senator Carlock, was passed finally.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 10, 1919.
Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 38, proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 59, providing that the Legislature shall have power to enact laws authorizing a division of the net proceeds arising from the operation of the prison system of this State between the State and prisoners confined in the penitentiary or their dependents; providing for the submission of a proposed amendment to a vote of the people, and making an appropriation to defray the expense of such election."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Resolution Read and Referred.

The Chair, Lieutenant Governor Johnson, referred, after its caption had been read, the following:

H. J. R. No. 38, referred to the Committee on Constitutional Amendments.

Senate Bill No. 279.

The Chair laid before the Senate on second reading:

S. B. No. 279, A bill to be entitled "An Act to amend Article 5714 of the Revised Civil Statutes of the State of Texas, 1911, specifying the conditions under which stipulations in contracts in regard to notice of claim for damage as a condition precedent to the right to sue shall be valid, providing that such stipulations requiring notice within less than ninety days shall be void, specifying to whom such notice when required may be given, and further providing that no stipulation requiring notice of claim for damages

under certain conditions shall ever be valid, and declaring an emergency."

Senator Caldwell offered the following amendment, which was read and lost:

Amend S. B. No. 279, page 2, line 1, strike out word "negligent."

The bill was read second time, and passed to engrossment.

On motion of Senator Bailey the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 279 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Nays—1.

Caldwell.

Absent.

Hopkins.

Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

Senate Bill No. 350.

The Chair laid before the Senate as special order on third reading:

S. B. No. 350, A bill to be entitled "An Act to conserve the oil and gas resources of the State of Texas; to define 'waste' in the production of said materials, to invest the Railroad Commission of Texas with authority to make and enforce all needful rules and regulations with respect to the conservation of said resources; to employ the necessary supervisors to enforce such rules and regulations, and to prescribe their compensation, the same to be paid out of taxes collected from pipe line companies; prescribing offenses against said Act,

and to provide for the punishment therefor; to provide that this Act shall be cumulative with all other laws upon this subject, and declaring an emergency."

Senator Hopkins offered the following amendment, which was read and adopted by unanimous vote:

(2) Amend S. B. No. 350 by adding after Article 5 a new article, to be numbered Article 6, as follows:

Article 6. It is hereby made the duty of all owners or operators of oil and gas wells to keep books showing the amount of oil and gas produced and disposed of, with the price for which the same was sold, together with the receipts from the sale or transfer of leases or other property, and the disbursements made in connection with or for the benefit of such business, which books shall be kept open for the inspection of the Railroad Commission, or any accredited representative thereof; and of any stockholder or shareholder in said business, and any owner or operator refusing to comply with the provisions of this Article shall be subject to the penalties imposed by this Act.

And by renumbering the subsequent Articles to correspond.

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

Bills Signed.

The Chair Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 244 A bill to be entitled "An Act amending Article 3003, Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 30 Acts of the Fourth Called Session of the Thirty-fifth Legislature, so as to prohibit the giving of any assistance to a voter in preparing his ballot except when such voter is unable to prepare the same himself because of some bodily infirmity which renders him physically unable to write, or is over 60 years of age, and providing that ballots prepared in violation of this Article shall be void; amending Article 258, Chapter 2, Title 6, Revised Penal Code of 1911, so as to provide a penalty for the violation of said Article 3003, as

the same is hereby amended, and amending the General laws of the Fourth Called Session of the Thirty-fifth Legislature, Chapter 30, by making it mandatory for both parties to use the English language when assistance is given to a voter; and declaring an emergency."

S. B. No. 227 A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas (page 396 of said laws) relating to the regulation, growing and marketing of fruits and vegetables, by adding thereto Section 9a, exempting the onion growers from the provisions of said Act; and declaring an emergency."

H. C. R. No. 32, requesting the Governor to return for further consideration S. B. No. 220 and S. B. No. 335.

H. C. R. No. 40, requesting the Governor to return H. B. No. 531, a local road law for Limestone County.

Message from the Governor.

Governor's Office,
Austin, Texas, March 11, 1919.

To the Thirty-sixth Legislature of Texas:

It becomes necessary for me to request your honorable body to investigate matters pertaining to the State Orphan's Home at Corsicana. Any method of investigation you adopt will in my judgment meet the necessity, but the appointment of a joint committee from the Senate and House of Representatives will I believe prove to be the best method. If there is not sufficient time for such committee to investigate and report before adjournment of the Regular Session, the best interest of the Home will be served by authorizing such a committee to investigate and report at the first called session of the Legislature.

My reason for asking you to take this action is based upon the following facts:

Upon recommendations considered good and sufficient by me, I nominated Mr. W. F. Barnett for reelection to the office of Superintendent of the Home. Later I received information of the rumor of a situation at the Orphan's Home which called for investigation before the

election of a new superintendent. I telegraphed the board of trustees, withdrawing my nomination of Superintendent Barnett for re-election, and asking that the election of a superintendent be deferred until an investigation could be made of the report which had become current. I was advised by the board of trustees that my telegram came too late, and Mr. Barnett was elected Superintendent before its receipt. In the meantime, I requested the resignation of holdover members of the board, believing that better results could be obtained and perhaps thus avoid even the unconscious entering of a political aspect into the investigation. The members of the board receiving this request declined to tender me their resignation.

I was shortly presented with sworn affidavits pertaining to the matter which called for investigation, and upon receipt thereof, I sent these affidavits by my personal representative to the chairman of the board of trustees, with the request that a thorough investigation be made of the truth or falsity of the charges contained in the affidavits, and with the further request that the board report its findings to me.

The investigation was conducted. I engaged the services of an attorney Hon. F. M. Ethridge of Dallas, to fairly and impartially develop the facts, and upon my instructions Assistant Adjutant General W. D. Cope attended the hearing with a view of assisting to impartially develop the facts. The hearing was completed Saturday, and resulted in a tie vote of three to three with respect to the truth or falsity of the charges. The issue, therefore, is unsettled. These charges are of such grave import as to demand for the welfare of the Home a determination of their truth or falsity, and for that reason I ask you to take the suggested action. I am advised by the Attorney General that the Governor has no power of removal of members of managing boards or superintendents of State Institutions, and therefore can exercise no power of control.

Since this power is vested solely in the Legislature, the reason for action becomes too obvious to make further comment necessary. I have a stenographic report of the evidence

disclosed in the hearing, which I will turn over to your body, or to a committee created by you, and I will give such committee or to your body all of the facts in my possession with respect to the situation at the State Orphan's Home.

For your further information I hereby attach self explanatory communication marked Exhibit A and Exhibit B.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Exhibit "A".

Corsicana, Texas, March 8, 1919.

Minutes of a Special Executive Meeting of the Board of Managers of the State Orphan's Home held at Corsicana, Texas, on the 8th, day of March, 1919:

The Board met in the District Court Room at the Court House in Corsicana at 10:30 o'clock for the purpose of hearing argument and taking action on the evidence adduced in the investigation of the administration of the State Orphan's Home held at the request of the Governor.

The arguments before the Board having been concluded, J. A. Thompson offered a resolution for the removal of W. F. Barnett from the position of Superintendent of the Home, a copy of which resolution is attached to and made a part of this minute. Dexter Hamilton moved the adoption of the resolution as presented and as attached hereto. A vote on the same was taken, upon the question being duly presented, and all the members of the Board being present the vote was as follows: For the resolution 3 votes; against the resolution 3 votes. Those voting for the resolution were the following: J. A. Thompson, Dexter Hamilton and W. B. Gray. Those voting against the resolution were the following: Aaron Ferguson, M. G. Young and J. S. Callicutt. The resolution was declared to be lost.

The vote having been announced upon motion duly carried the Board of Managers stood adjourned. Sine die.

J. S. CALLICUTT,
President.

DEXTER HAMILTON,
Secretary pro tem.

Resolution Attached to Minutes.

Whereas, as the result of the investigation of the administration of the State Orphan's Home at Corsicana, Texas, it has been shown that one James Wilson, now and for some years past an employe of the institution, is a degenerate whose presence poisons the moral atmosphere of the institution; and whereas it has been further shown that W. F. Barnett, the superintendent of said institution, knew, or should know, of the degeneracy of the said James Wilson and of the consequent demoralizing effect of the retention of said James Wilson; and whereas the said W. F. Barnett, superintendent, has and has had the discretionary power of discharging the said James Wilson and has not done so, but has retained him as an employe;

Therefore, be it resolved by the governing board of said State Orphan's Home that the conduct of the said James Wilson as an employe is inimical to the interest and welfare of said State Orphan's Home, and constitutes good cause for the removal of the said W. F. Barnett as superintendent of said State Orphan's Home;

Therefore, be it resolved by the governing board of said State Orphan's Home that said W. F. Barnett be, and he is hereby, removed as superintendent of said State Orphan's Home.

Exhibit "B".

Corsicana, Texas, March 8, 1919.
Hon. W. P. Hobby, Governor, of Texas,
Austin, Texas.

Dear Sir: Replying to and making our report in accordance with the request and direction of your letter of the 13th day of February, 1919, enclosing certain affidavits which you requested that we investigate, we now beg to advise that upon receipt of their request and the additional affidavit which you sent us by your personal representative, Colonel Cope and acting upon your request, the Chairman of the Board of Managers of the State Orphan's Home of Texas convened the Board of Managers for the purpose of investigating the matters called to our attention by you.

We now beg to report that in accordance with your request, we employed a competent stenographer to

take the entire proceedings of the Board and the evidence of each and all of the witnesses, under oath, in executive session, and you were represented before the Board by Hon. F. M. Ethridge, and Mr. W. F. Barnett was represented before the Board by his attorney, Hon. Richard Mays, and these two attorneys conducted the investigation, in connection with the members of the Board.

We have heard a vast amount of testimony, some of which was biased and some unbiased, and in our opinion, taking the testimony as a whole, we, the undersigned members of the Board of Managers of the State Orphan's Home, report that in our opinion nothing has been developed by the evidence that would justify or call for any severe criticism, insofar as any one being investigated is concerned. We do not believe that the testimony, taken as a whole, established the charge that James Wilson is a moral pervert, as claimed in the affidavits which were filed with you, and the evidence does not, in our opinion, establish that Mr. W. F. Barnett, the superintendent of the Home, knew any facts with reference to James Wilson or his conduct which would justify his removal from the position of superintendent by the Board.

The Board is not agreed in this matter, and with this report we submit the stenographic report of all of the proceedings and all of the evidence taken before us, having instructed the stenographer to send to you the transcript of the evidence and of the proceedings as fast as it could be transcribed, which he informs us has been done, and we make this evidence a part of our report to you, in accordance with your request and the request of your personal representative.

The positions taken by your attorney, Mr. Ethridge, and Mr. Barnett's attorney, Mr. Mays, have also been taken down by the stenographer, and we have instructed him to send you a copy of the same.

During the deliberations some matters of a personal nature, owing to the tenseness of the situation, have provoked some unpleasantness, which is very much regretted, but we believe the parties participating

have, by apology and otherwise, done all that could be done, insofar as correcting matters is concerned. And in view of all the facts leading to these unpleasant matters, we hope, for the good of the State Orphan's Home and all others concerned, that these matters will be put behind us and forgotten.

The only charges against Mr. Barnett, the superintendent, were expressly abandoned by Mr. Ethridge and by the entire Board.

The members of the Board have been unable to reach a unanimous conclusion in this matter, and we, the undersigned members of the Board, beg leave to submit the foregoing to you, in accordance with your written request. The other three members of the Board are of the opinion that the charges contained in the affidavits are established by the evidence, and so voted, and voted for a resolution to remove Mr. Barnett as superintendent of the State Orphan's Home, but this resolution failing to obtain a majority of the Board, was lost.

Very respectfully,
J. S. CALLICUTT,
Chairman.

M. G. YOUNG.
AARON FERGUSON.

Simple Resolution No. 90.

Whereas, Hon. W. A. Hanger, a distinguished citizen of this State and a former State Senator, is in the city; therefore, be it

Resolved, That he be extended the courtesies of the Senate and be invited to address the Senate.

CARLOCK.
BAILEY.

The resolution was read and adopted.

Senate Bill No. 390.

The Chair laid before the Senate on second reading:

S. B. No. 390, A bill to be entitled "An Act creating Maribelle Independent School District in Grayson County, Texas; naming same; prescribing its metes and bounds: and providing for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein: and providing for assessing and collecting taxes

therein: and vesting all real and other property used for school purposes in said district in said independent district: and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator Dayton the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 390 put on its third reading and final passage by the following vote:

Yeas—30.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Johnston

The bill was laid before the Senate, read third time and, on motion of Senator Dayton, was passed by the following vote:

Yeas—30.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Absent.

Bailey.

Senate Bill No. 394.

The Chair laid before the Senate on second reading:

S. B. No. 394, A bill to be entitled "An Act incorporating and creating the Marathon Independent School District of Brewster County, Texas, for free school purposes only, defining its boundaries and providing for the election of a board of trustees for the raising of revenue by taxation; issuing bonds for raising money for building purposes; and for maintaining public free schools therein, vesting the property of the Marathon school district in said Marathon Independent School District; and vesting said district and the board of trustees with all the right, powers, privileges and duties conferred and imposed by general laws upon independent school districts and upon the board of trustees thereof, and which apply to a city or town incorporated for free school purposes only, under the general laws: and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 394 put on its third reading and final passage by the following vote:

Yeas—30.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Absent.

Bailey.

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed by the following vote:

Yeas—30.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Absent.

Bailey.

Senate Bill No. 320.

The Chair laid before the Senate on third reading:

S. B. No. 320, A bill to be entitled "An Act to amend Chapter 74, on pages 139 and 140, of the General Laws of the regular session of the Thirty-fifth Legislature of Texas, so as to prohibit the sale or offering for sale of road vehicles of certain carrying capacity with tires of less than the herein prescribed width within the State of Texas, fixing penalties for the violation thereof, and providing the time at which such Act shall take effect."

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed finally.

Senator Buchanan of Bell in the Chair.

Senate Joint Resolution No. 17.

The Chair laid before the Senate on third reading:

S. J. R. No. 17, proposing an amendment to Section 3 of Article 7 of the Constitution of the State of Texas, by exempting independent school districts created by special Act of the Legislature from the limitation on the total tax of fifty cents on the one hundred dollars valuation for any one year, and making an appropriation therefor.

The resolution was laid before the Senate, read third time and on mo-

tion of Senator Dean, was passed by the following vote:

Yeas—28.

Alderdice.	Gibson.
Bell.	Hertzberg.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Bailey.	Hopkins.
Hall.	

Recess.

At 12:30 o'clock p. m. the Senate, on motion of Senator McNealus, recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 11, 1919.

Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 38, A bill to be entitled "An Act requiring all men to submit to physical examination and furnish to the clerks to whom they apply for license to marry a certificate from a reputable physician that they are free from venereal disease; prescribing penalties, and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act to amend Article 206, Chapter 3, Title 10, Revised Civil Statutes of Texas, relating to the duties, qualifications, manner of selection, length of term and removal of super-

intendents of the Confederate Home, and making a son or grandson of an ex-Confederate soldier eligible to this position, and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act to amend Article 1816, Chapter 1, Title 37, Revised Civil Statutes of Texas, 1911, providing that civil suits shall not be commenced nor process issued nor served on Sunday except in cases of injunction, attachment, garnishment, sequestration or distress proceeding, and declaring an emergency."

H. B. No. 424, A bill to be entitled "An Act to prescribe the parties to and venue of suits against foreign railroad corporations, assignees, trustees and receivers, and providing additional means of obtaining service on non-resident railroad corporations or companies in this State, and defining who are agents of such foreign railway corporations or companies, and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act to amend Section 24, Chapter 87, of the General Laws of the Regular Session of the Thirty-fifth Legislature; providing in substance that districts created under the provisions of said Chapter 87 are empowered to own and construct reservoirs, dams, wells, canals, etc., and to acquire the necessary right of way for same by purchase, gift, grant or condemnation; to buy or construct all reservoirs, dams, wells, canals, laterals, sites for pumping plants and all other improvements required for the irrigation of lands, and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act requiring all persons, firms or corporations operating motor trucks on the public roads and highways of the State, either for private use or for the public, for the purpose of carrying freight, to obtain from the Commissioners' Court of the county in which it is proposed to operate such motor trucks a permit to use the public roads or highways of the county; authorizing and empowering the Commissioners' Court of any county to levy and collect a fee based upon the gross receipts, mileage and tonnage, and fixing the limit of such fee; providing for the payment of said fees into the road and bridge fund of said county, and for the disbursement of same; providing penalties for the violation of the provisions of this Act."

H. B. No. 140, A bill to be entitled "An Act providing that all women teaching in the State of Texas shall be paid the same compensation as is paid to men for doing the same kind, grade and quantity of service as performed by men; all women performing public service for the State of Texas shall be paid the same compensation as are paid to men for performing the same kind, grade and quantity of service."

H. B. No. 245, A bill to be entitled "An Act prescribing that trial judges and jurors who hold policies in or who are members or stockholders of or in any life insurance company, whether fraternal or otherwise, shall not be disqualified to sit upon the trial of such cases in which such life insurance companies are parties plaintiff or defendant, and declaring an emergency."

H. B. No. 623, A bill to be entitled "An Act to appropriate the sum of fifteen thousand (\$15,000) dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses of the Regular Session of the Thirty-sixth Legislature, providing method of payment, and declaring an emergency."

H. J. R. 29, to amend Article 7, Sections 10, 11, 12, 13, 14 and 15, of the Constitution of the State of Texas, which Article relates to education and which sections provide for the establishment and support of the University of Texas, the Agricultural and Mechanical College of Texas, and for a branch college for the instruction of colored youths, and which amendments provide for the permanent location of the University of Texas, the Agricultural and Mechanical College of Texas, the Prairie View State Normal and Industrial College and the State College of Industrial Arts; provide that the Texas State Medical College and the School of Mines at El Paso shall be branches of the University of Texas, and for their permanent location; provides that said University, said Agricultural and Mechanical College and said College of Industrial Arts shall be separate State institutions and independent in organization; provides for the sale of lands belonging to the University of Texas permanent fund and for the division of the proceeds of such sale and all securities between the University of Texas, the

Agricultural and Mechanical College of Texas and Prairie View State Normal and Industrial College; directs the respective parts of each shall become the permanent fund of each institution and how it shall be invested; provides that the University of Texas and the Agricultural and Mechanical College of Texas may utilize the permanent fund of each as a basis for the issuance of bonds for improvements, and for redemption of such bonds from the income of such permanent funds; provides that the governing board of the Agricultural and Mechanical College may make provision for the permanent buildings for the Prairie View Normal and Industrial College from the proceeds of bond issues by the said Agricultural and Mechanical College, and declares said Prairie View Normal and Industrial College a constitutional branch of the Agricultural and Mechanical College; provides that the Legislature shall make provisions by appropriation or tax levy, or both, for the maintenance of the University of Texas and Agricultural and Mechanical College and for the development and support of the College of Industrial Arts, the Normal Schools and Prairie View State Normal and Industrial College; provides for authority to the University of Texas and Agricultural and Mechanical College, pending division of the University endowment, to issue bonds redeemable from the income of the endowment, and granting authority to the Legislature to make appropriation to supply any deficiency; provides that the Legislature shall give encouragement and direction to the development of a university of the first class and an agricultural and mechanical college of the first class, and a college of industrial arts of the first class; provides for the submission of this proposed amendment of the Constitution to the people; fixing the date of election to be held, and making an appropriation to pay the expenses of said election.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their

captions had been read, the following House bills:

H. J. R. No. 29, referred to the Committee on Constitutional Amendments.

H. B. No. 38, referred to the Committee on Public Health.

H. B. No. 137, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 140, referred to the Committee on Educational Affairs.

H. B. No. 245, referred to the Committee on Civil Jurisprudence.

H. B. No. 405, referred to the Committee on State Affairs.

H. B. No. 418, referred to the Committee on Civil Jurisprudence.

H. B. No. 424, referred to the Committee on Civil Jurisprudence.

H. B. No. 568, referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 623, referred to the Committee on Finance.

Senate Bill No. 152.

The Chair laid before the Senate as special order on second reading:

S. B. No. 152, A bill to be entitled "An Act providing that the nominations by political parties of candidates for offices of cities, of counties, or of subdivisions of counties and of districts where their territorial extent is limited to a particular county or part of same, shall be made either by a party convention or by a party primary election as now provided by law, and that the nominations by political parties of candidates for all other offices shall be made by a primary convention held under the control and direction of the proper executive committee of the particular political party; and providing regulations for the holding of such primary conventions and of the preliminary conventions to select delegates therefor; repealing all laws and parts of laws in conflict herewith, etc."

Senator Johnston moved the engrossment of the bill.

The bill failed of engrossment by the following vote:

Yeas—12.

Bailey.	Clark.
Bell.	Cousins.
Caldwell	Dudley.
Carlock.	Faust.

Hall.
Johnston.

McNealus.
Parr.

Nays—15.

Alderdice.	Hopkins.
Buchanan of Bell.	Smith
Buchanan of Scurry.	Sulter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Floyd.	Woods.
Hertzberg.	

Present—Not Voting.

Page.

Absent.

Gibson.	Strickland.
Rector.	

Senate Bill No. 315.

The Chair laid before the Senate on third reading:

S. B. No. 315, A bill to be entitled "An Act amending Section 2 and Section 19 of Chapter 60 of the Acts of the Thirty-fifth Legislature, passed at its regular session, providing that the Live Stock Sanitary Commission shall as far as possible destroy and eradicate fever-carrying ticks, contagious, infectious and communicable diseases of live stock, and shall establish special quarantine districts, where necessary, providing for notice of the establishment of such quarantine districts, and to quarantine live stock therein or elsewhere, and to prescribe methods for dipping live stock and disinfecting the premises, providing that the sheriffs and constables shall assist such Live Stock Commission and its inspectors in enforcing the provisions of said section, providing compensation for such sheriffs and constables; providing that farmers and stock raisers having herds of less than one hundred cattle shall not be required to dip such cattle until they are first inspected and found to be infected with fever-carrying ticks, contagious, infectious or communicable diseases, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Bell, was passed finally.

On motion of Senator Dean, the vote by which the bill was passed was reconsidered.

The bill was laid before the Senate, read third time, and failed to pass by the following vote:

Yeas—6.

Alderdice.	Hopkins.
Buchanan of Bell.	Suiter.
Cousins.	Woods.

Nays—22.

Bailey.	Floyd.
Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Westbrook.
Faust.	Williford.

Absent.

Gibson.	Witt.
Rector.	

Senate Bill No. 380.

The Chair laid before the Senate on second reading:

S. B. No. 380, A bill to be entitled "An Act conferring upon the Court of Criminal Appeals and the clerk of said court, in original cases filed in said court, all of the powers conferred by the laws of this State upon the District Courts and the clerks thereof in the issuance of subpoenas for the attendance of witnesses and all other process; providing that said process shall be served by any officer authorized to serve process in this State; providing that witnesses summoned before the Court of Criminal Appeals shall receive the same fees and mileage as are paid in criminal cases in the District Court; providing that the sheriffs and constables shall receive the same fees as for like service in the District Court, and making an appropriation to pay witness fees and costs, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 380 put on

its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Floyd.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.

Absent.

Alderdice.	Rector.
Gibson.	Witt.
Parr.	

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed by the following vote:

Yeas—26.

Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Williford.
Floyd.	Woods.

Absent.

Alderdice.	Westbrook.
Clark.	Witt.
Rector.	

Senate Bill No. 306.

The Chair laid before the Senate on second reading:

S. B. No. 306, A bill to be entitled "An Act to amend Article 891 of Chapter 6, Title 13, of the Penal Code of the State of Texas of 1911, as amended by Chapter 60 of the General Laws passed by the Thirty-second Legislature at its Regular Session, relating to the shipment or transportation of game when law-

fully killed; authorizing agents of railroad and express companies to take the affidavit of a shipper of such game in addition to the persons now authorized by law; and to repeal all laws or parts of laws in conflict herewith, and declaring an emergency."

On motion of Senator Hertzberg, the bill was laid on the table subject to call.

Senate Bill No. 308.

The Chair laid before the Senate on second reading:

S. B. No. 308, A bill to be entitled "An Act to amend Article 2925, Chapter II, Title 49, of the Revised Civil Statutes of the State of Texas of 1911, relating to the compensation of judges and clerks of general and special elections, and declaring an emergency."

The minority (favorable) committee report was adopted.

The bill was read second time, and passed to engrossment.

Senator Hertzberg moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 308 put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—9.

Buchanan of Scurry.	Faust.
Caldwell.	Hertzberg.
Cousins.	Hopkins.
Dorough.	McNealus.
Dudley.	

Nays—15.

Bell.	Parr.
Buchanan of Bell.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Floyd.	Westbrook.
Gibson.	Williford.
Johnston.	Woods.
Page.	

Present—Not Voting.

Carlock.	Hall.
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Absent.

Alderdice.	Rector.
Bailey.	Witt.
Clark.	

House Bill No. 112—Recommended.

Senator Westbrook moved to recommit H. B. No. 112 to the Committee on Finance.

The motion prevailed by the following vote:

Yeas—15.

Alderdice.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Dayton.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Hall.	

Nays—7.

Bell.	Parr.
Carlock.	Strickland.
Floyd.	Woods.
Page.	

Present—Not Voting.

Dean.

Absent.

Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Clark.	Rector.
Cousins.	Witt.

Senator Floyd in the chair.

Senate Bill No. 248.

The Chair laid before the Senate on second reading:

S. B. No. 248, A bill to be entitled "An Act to amend Articles 3084, 3086, 3122, 3134, 3136 of Chapter 10, Title 49, of the Revised Civil Statutes of the State of Texas of 1911, so as to provide that candidates of political parties casting 100,000 or more votes in the next preceding election shall be nominated by a majority of the votes cast in a primary election; providing for the holding of such primary elections, and fixing the dates thereof; providing for the making of returns of the votes cast in such primary elections and the canvassing thereof, providing for the election of delegates to county conventions and fixing the dates thereof, to repeal Articles 3091 and 3092 of said Chapter 10 of Title 49, and declaring an emergency."

On motion of Senator Page, the bill was indefinitely postponed by the following vote:

Yeas—21.

Bailey.	Faust.
Bell.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	Page.
Dayton.	Smith.
Dorough.	Suiter.
Dudley.	

Nays—6.

McNealus.	Westbrook.
Parr.	Williford.
Strickland.	Woods.

Present—Not Voting.

Witt.

Absent.

Alderdice.	Rector.
Dean.	

Senator Page moved to reconsider the vote by which the motion to postpone prevailed, and table the motion to reconsider.

The motion to table prevailed.

Senate Concurrent Resolution No. 25.

The Chair laid before the Senate on second reading:

S. C. R. No. 25, a memorial to the Congress of the United States, that it be requested to appropriate money for the purchase of the wheat crop of 1919, and to confer upon the President of the United States full power and authority for the handling of the same.

The resolution was read and, on motion of Senator Bell, the same was adopted by the following vote:

Yeas—17.

Alderdice.	Gibson.
Bell.	Hertzberg.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Carlock.	Smith.
Dayton.	Williford.
Dorough.	Witt.
Dudley.	

Nays—9.

Bailey.	Hall.
Clark.	Strickland.
Cousins.	Suiter.
Faust.	Westbrook.
Floyd.	

Present—Not Voting.

Woods.

Absent.

Dean.	McNealus.
Hopkins.	Rector.

Senate Concurrent Resolution No. 22.

The Chair laid before the Senate on second reading:

S. C. R. No. 22, a memorial to the Congress of the United States, that it be requested to regulate the operation of such exchanges, so that an actual delivery of all cotton sold and purchased on all such exchanges shall be delivered, and recommended that the President appoint an assistant secretary for each Cotton Exchange, and that all sales and purchases of cotton on said exchanges be reported by both seller and buyer to said assistant secretary, etc.

The resolution was read and, on motion of Senator Dayton, the same was laid on the table subject to call.

Senate Bill No. 343.

The Chair laid before the Senate on second reading:

S. B. No. 343, A bill to be entitled "An Act to amend Articles 731 and 732 of the Revised Civil Statutes of the State of Texas, 1911, more definitely defining connecting carriers, making each of them an agent for the others for certain purposes, and fixing their contract relations to shippers, providing that bills of lading, waybills, receipts, checks or other instruments issued by either of such carriers or other proof showing receipt of freight, baggage or property for transportation, shall be prima facie evidence of the relations, duties and liabilities of such carriers to the owners or shippers of such freight, baggage or other property transported, notwithstanding contrary stipulations by any of such carriers; providing that all stipula-

tions contrary to the provisions of this Act shall be void; fixing the liability of connecting lines for injury to or loss or delay of any freight, baggage or other property during transportation, providing that there shall be no apportionment of the damage in such suits, except at the plaintiff's request; and further providing for a recovery by the carrier sued by the owner or shipper against the carrier or carriers for loss or damage and providing in such latter action for an apportionment of damage, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Dean the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 343 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Page.
Cousins.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Absent.

Alderdice.	McNealus.
Bell.	Parr.
Clark.	Rector.
Dayton.	

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

Senate Bill No. 289.

The Chair laid before the Senate on second reading:

S. B. No. 289, A bill to be entitled "An Act to protect those engaged in the erection and construction of buildings three or more stories in height from falling through joists, and from falling planks, bricks, rivets or any other substance whereby life and limb are endangered, prescribing the method of protection and placing the responsibility for carrying out the provisions of this

Act; prescribing a penalty, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Hertzberg the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 289 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Gibson.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Clark.	Page.
Cousins.	Parr.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Alderdice.	Rector.
Bell.	Smith.
McNealus.	

The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed finally.

Senate Bill No. 331.

The Chair laid before the Senate on second reading:

S. B. No. 331, A bill to be entitled "An Act to provide for the reorganization of a Ranger Force for the protection of the frontier against marauding and thieving parties, foreign foes or an enemy of the State of Texas or the Government of the United States, and for the suppression of lawlessness and crime throughout the State, or to suppress any invasion from an alien enemy of the State or any State of the United States of America; to prescribe duties and powers of members of such force; to regulate their compensation; and declaring an emergency."

On motion of Senator Page the bill was laid on the table subject to call.

Senate Bill No. 145.

The Chair laid before the Senate on second reading:

S. B. No. 145, A bill to be entitled "An Act to repeal all of Title 116 of the Revised Civil Statutes of 1909, relating to the organization, compensation, supplies, equipment, rations, forage, clothes, powers and authority of the Ranger Force of the State of Texas, and declaring an emergency."

On motion of Senator Suiter the bill was laid on the table subject to call.

Senate Bill No. 100.

The Chair laid before the Senate on second reading:

S. B. No. 100, A bill to be entitled "An Act to amend the insurance laws of this State relating to life insurance companies organized therein, and declaring an emergency."

The committee report carrying a substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 100 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.

Absent.

Hertzberg.	Rector.
McNealus.	

The bill was laid before the Senate, read third time and, on motion of Senator Gibson, was passed finally.

Senate Bill No. 328.

The Chair laid before the Senate on Second reading:

S. B. No. 328, A bill to be entitled "An Act to amend Section 25, Chapter 12, General Laws of the First Called Session of the Thirty-fifth Legislature, approved May 17, 1917, so as to provide that the Commissioners' Court of a county not having a resident licensed veterinarian may appoint and designate a person resident of said county to administer hog cholera virus without first securing a permit for the use of same from the Live Stock Sanitary Commission of Texas, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 328 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Floyd.
Bell.	Gibson.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Johnston.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Present—Not Voting.

Alderdice.

Absent.

Hopkins.	Strickland.
McNealus.	Westbrook.
Rector.	

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

Glasscock—Parr Contest.

Here the Committee on Privileges and Elections made its report on the

Glasscock—Parr election contest. A minority report also was made.

Senator Caldwell moved that the reports be set for a special order for eleven o'clock tomorrow morning.

The motion prevailed.

See Appendix for reports.

Senate Bill No. 166.

The Chair laid before the Senate on second reading:

S. B. No. 166, A bill to be entitled "An Act to make it unlawful to rent, offer for rent, to have rented, or to receive compensation for the use and hire of any house or apartment house that is to be used as a dwelling, which does not conform to the sanitary and comfort standards described herein for dwellings houses or apartment houses, and prescribing the water supply and the protection of same from sources of pollution, and prescribing other conveniences to be used in or with said house or apartment house; and prescribing certain sanitary standards to be observed in the construction of buildings or houses and in water supply and conveniences for such houses to be occupied by tenants regardless of whether such tenants pay rent directly or indirectly as farm tenants or tenants renting houses in towns or cities; making the violation of the Act a misdemeanor and prescribing penalties therefor; making it the duty of the District Judges of the State to give this Act in charge to the grand jury at each convening of the grand jury; making it a misdemeanor for the tenant to injure the property provided to meet the requirements of this Act, and prescribing penalties therefor; and declaring an emergency."

The committee report carrying amendments was adopted.

Senator Bailey offered the following amendment:

Amend the bill by striking out the enacting clause in line 25, on page 1, of the printed bill.

The amendment was adopted by the following vote:

Yeas—18.

Alderdice.
Bailey.
Bell.

Buchanan of Bell.
Buchanan of Scurry.
Caldwell.

Carlock.
Clark.
Cousins.
Dayton.
Dudley.
Faust.

Gibson.
Hall.
Hopkins.
Johnston.
Page.
Parr.

Nays—10.

Dean.
Dorough.
Floyd.
Hertzberg.
Smith.

Strickland.
Suiter.
Westbrook.
Williford.
Witt.

Absent.

McNealus.
Rector.

Woods.

Senator Bailey moved to reconsider the vote by which the amendment was adopted and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

At 5:20 o'clock p. m., the Senate on motion of Senator Westbrook, adjourned until 10 o'clock tomorrow.

APPENDIX.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 302 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 72 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, March 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 24

carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 280 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 272 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 326 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 304 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 390 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 394 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 279 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 320 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a majority of your Committee on Privileges and Elections, to whom was referred

The contest of D. W. Glasscock, contestant, against A. Parr, contestee, relating to the seat of Senator A. Parr, Senator-elect from the Twenty-third Senatorial District,

Beg leave to report that your committee, in accordance with the law in such cases provided, after having fixed a time for the beginning of said hearing, and given due notice to all parties thereto, proceeded from day to day to investigate the issues between said parties, and after hearing all the legal evidence presented to said committee, and the argument of counsel thereon and after having fully considered the issues of law and fact and fully understanding the same, we recommend to the Senate that, the contest of D. W. Glasscock for said office be not sustained and in all things denied.

In accordance with statutes provided in such cases, we beg to transmit to the Senate with this report all the papers in said cause, including a full and complete transcript of all evidence introduced, and the argument of counsel thereon.

BUCHANAN of Scurry, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, a minority of your Committee on Privileges and Elections as enlarged, to whom was referred for consideration the contest in the matter of D. W. Glasscock, contestant, vs. A. Parr, contestee, for the office of State Senator for the 23rd Senatorial District of Texas, beg leave to report that having heard the pleadings, the evidence, and the argument of counsel, and having given due consideration thereto report back to the Senate that we find there were so many irregularities, violations of the law in the conduct of election, and so many illegal votes cast, that it is impossible to ascertain with certainty the true result of the election as to the office of State Senator from the 23rd Senatorial District; and we therefore recommend that the Senate hold and declare said election to have been void, and that the Governor be notified of this action.

Respectfully submitted,
BUCHANAN of Bell,
HOPKINS,
SUITER,
WESTBROOK,
HERTZBERG,
DUDLEY,
DEAN,
FLOYD,
WILLIFORD,
WITT,
ALDERDICE,
COUSINS.
BUCHANAN of Scurry.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Rules who have had under consideration the adoption of permanent rules for the Thirty-sixth Legislature, respectfully recommend that the permanent rules of the Senate adopted by the Thirty-fifth Legislature, with amendments reported, and the joint rules of the Senate and House as adopted by the Thirty-fifth Legislature be adopted as the permanent rules for the Thirty-sixth Legislature.

HALL, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Educational Affairs, to whom was referred S. B. No. 379 have had the same under consideration and I am directed to report it favorably with the recommendation that it do pass.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 534 have had the same under consideration and I am directed to report it favorably with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 613 have had the same under consideration and I am directed to report it favorably with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Educational Affairs, to whom was referred S. B. No. 386 have had the same under consideration and I am directed to report it unfavorably with the recommendation that it do not pass.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: We, your committee on Criminal Jurisprudence, to whom was referred

H. B. No. 457, Being a bill to be entitled "An Act to preserve, propagate and protect the wild game, wild birds, wild fowl of this State, to provide adequate penalties for the unlawful taking, slaughter, sale,

purchase, or shipment thereof, to provide for the appointment of deputy game commissioner and fixing their salaries, to define their duties, and powers of the Game, Fish and Oyster Commissioner and his deputies; to fix the venue of prosecution under this Act; to provide for the issuance of Hunting Licenses and prescribing penalties for hunting without a license, to declare that certain moneys shall belong to the Special Game Fund of this State, and the disposition to be made of said moneys, and to repeal all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

(Floor Report)

Senate Chamber,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred

H. B. No. 209, A bill to be entitled "An Act giving the freeholders in hog law counties and sub-divisions the right to hold elections therein, for the purposes of determining whether hogs shall have a free range in such counties or sub-divisions from the 15th day of November of each year, to the 15th day of February each year, prescribing the manner of calling the election, the form of the election, order and the manner of giving notices, the manner and places of conducting the election, the qualifications of voters, the form of ballots, appointment of election managers, the method of making returns, the manner of counting the votes and declaring the results, the judge's proclamation, and the posting thereof, and its effect, and providing when and how elections under this Act may be held at the same time elections are held under the provisions of Chapter 5, Title 124, of the Revised Civil Statutes of Texas, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, but be not printed.

Clark, Chairman; Buchanan of Scurry, Dorrough, Bailey, Dudley, Bell, Parr.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

H. B. No. 112, A bill to be entitled "An Act to provide for the establishment and maintenance of a State Home for Dependent and Neglected White Children, to locate the same and provide for its control and management, making appropriation for such purposes and declaring an emergency,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do not pass.

WESTBROOK, Chairman.

(Floor Report)

Senate Chamber,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 397, A bill to be entitled "An Act providing for the appointment of Official Grand Jury Stenographers by the Criminal District Judges of Dallas and Bexar counties, and prescribing the qualifications and duties of said official stenographers and providing for their compensation and prescribing the time and method of transcribing the evidence and testimony taken before said grand juries, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Dorough, Chairman; Hall, Bailey, Witt.

(Floor Report)

Senate Chamber,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate Bill No. 398, Being a bill to be entitled "An Act to create a more efficient road law for Delta county;

providing for levying and collecting taxes; authorizing commissioners' court of said county to employ road superintendents and laborers on the public roads thereof; also working convicts in opening, laying out and repairing said roads; giving the commissioners' court the power to establish, change, improve or discontinue public roads, and to purchase and use all necessary teams and implements for that purpose, and giving to said court the power to condemn land for establishing, widening, draining, or otherwise improving the public roads, and to cause obstructions to be removed therefrom; making each commissioner of said court a road superintendent in his precinct and prescribing his duties; fixing the compensation for county commissioners for road service; providing for nomination and election of special precinct commissioners as members of the permanent road board, specifying their duties, repealing all laws in conflict herewith and declaring an emergency."

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass, and be not printed.

Woods, Chairman; Carlock, Caldwell, Page, Strickland.

(Floor Report)

Senate Chamber,

Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 396, A bill to be entitled "An Act to amend Article 1723 of Title 34, Chapter 4, of the Revised Civil Statutes of the State of Texas, relating to the terms of the district courts; prescribing the manner of holding regular and special terms of the district courts in the State of Texas, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass.

Dorough, Chairman; Hall, Bailey, Williford, Witt.

(Floor Report.)

Senate Chamber,

Austin, Texas March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 395, A bill to be entitled "An Act amending the city charter of the City of Gainesville, Texas, by adding thereto this Act, authorizing the City Council of said city to issue refunding bonds of said city for the purpose of refunding any outstanding unpaid bonds of said city without the necessity of ordering and holding an election, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Johnston, Chairman, Page, Hertzberg, Bailey, Carlock.

(Floor Report.)

Senate Chamber,

Austin, Texas March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 225, A bill to be entitled "An Act giving to incorporated cities and towns the authority to prevent the keeping for breeding purposes of jacks, bulls and stallions within the city limits, and declaring an emergency,"

Have had same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

Clark, Chairman, Dudley, Bell, Buchanan of Scurry, Bailey, Dorough, Parr.

By Yantis.

H. B. No. 225.

A BILL

To be entitled.

An Act giving to incorporated cities and towns the authority to prevent the keeping for breeding purposes of jacks, bulls and stallions within the city limits, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The city council of any duly incorporated city or town shall have the authority to pass such ordinance or ordinances as may be nec-

essary to prevent any person, corporation or association of individuals from keeping for breeding purposes a jack, bull or stallion within the corporate limits of such city or town, and may prescribe such penalty for the violation of such ordinance or ordinances as they may deem sufficient and necessary for their proper enforcement.

Sec. 2. The fact that there is now no adequate law covering the subject matter of this Act creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 255, have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with committee amendments, and be printed in Journal and not in bill form.

McNEALUS, Chairman.

Amend H. B. No. 255, by adding in line 5, page 2, of the original bill after the word "hydrate" the following:

"or not more than one-sixteenth grain of cocaine", and by adding to Section 1 as follows:

"nor to preparations containing not more than one grain per ounce of the solid extract of cannabis indica, cannabis sativa or preparations thereof or any drug or preparation from any cannabis variety; nor to corn cures containing cannabis indica or preparations of the cannabis variety."

WITT.

Amend H. B. No. 255, by adding in line 5, page 2, of the original bill after the word "hydrate" the following: "or not more than one-sixteenth grain of cocaine." And by adding to Section 1 as follows: "nor to preparations containing not more than one grain per ounce of the solid extract of cannabis indica, cannabis sativa or preparations thereof or any drug or preparation from any cannabis variety; nor to corn cures containing cannabis indica or preparations of the cannabis variety."

WITT.

By Canales and Cox. H. B. No. 255.

A BILL

To be entitled.

An Act to amend Sections 1, 2, 3, 4, and 5 of Chapter 35, Acts of the Twenty-ninth Legislature, which is an Act to regulate the sale of cocaine and other drugs; to regulate the issuance of prescriptions for such drugs; to require persons selling such drugs upon prescriptions to file same; to prohibit fraudulent representation, and to provide that nothing in this Act shall prevent the sale of certain proprietary preparations containing not more than two grains of opium, one-eighth grain of morphine, two grains of chloral hydrate and one-sixteenth grain of cocaine, in one fluid ounce, and to provide penalties for the violation thereof; and repealing all laws in conflict herewith; and providing for an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlawful for any person, firm, or corporation to sell, furnish or give away cocaine, derivatives of cocaine, preparations containing cocaine or derivatives of cocaine; morphine, derivatives of morphine, preparations containing morphine or derivatives of morphine; opium, preparations containing opium; chloral hydrate or preparations containing chloral hydrate; cannabis indica, cannabis sativa or preparations thereof or any drug or preparation from any cannabis variety or any preparation known and sold under the Spanish name of "Marihuana," except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such written order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the article ordered or prescribed, and it shall not be re-compounded or dispensed a second time except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or

delivered to any person, but the original shall at all times be open to inspection by properly authorized officers of the law. Provided, however, that the above provisions shall not apply to preparations containing not more than two grains of opium, or not more than one-eighth grain of morphine, nor not more than two grains of chloral hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce.

Sec. 2. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same, any cocaine or morphine, or any derivative or compound of cocaine or morphine, or any preparation containing cocaine or morphine or their derivatives, or any opium or chloral hydrate, cannabis or any preparation thereof for the use of any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being.

Sec. 3. It shall be unlawful to manufacture for sale, offer or expose for sale, sell or exchange, any drug, medicine or device advocated for the cure of diseases, if the package or label of any representation pertaining to same shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is misleading, false and fraudulent.

Sec. 4. Every pharmacy, store, drug store, factory, salesroom, laboratory that fills prescriptions of drugs named in Sections 1 and 2 of this Act, shall keep a file of such prescriptions, which may be inspected by the Dairy and Food Commissioner, his deputy, or agent.

Sec. 5. The Dairy and Food Commissioner, or his inspectors or any person by him duly appointed for that purpose, shall make complaint and cause proceedings to be commenced against any person for the violation of any provision of this Act, and in such case he shall not be obliged to furnish security for costs; and he shall have in the performance of his duties all rights and privileges of a peace officer with power to enter into any factory, store, salesroom, drug store or laboratory, or place where he has reason to believe drugs are made, prepared, sold or of-

fered for sale or exchange, and to examine the files and books of such places, store, drug store, pharmacy and salesroom.

Sec. 6. Any person who shall wilfully hinder or obstruct the Dairy and Food Commissioner, or his inspectors, or other persons by him duly authorized in the exercise of the power conferred upon him by this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$200.00.

Sec. 7. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-five (\$25.00) dollars, nor more than Two Hundred (\$200.00) Dollars, or be imprisoned in the county jail for not less than one month nor more than one year, or punished both by such fine and imprisonment, in the discretion of the court.

Sec. 8. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 9. The fact that there is no adequate law regulating the sale of narcotics and other drugs creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 10, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on State Penitentiaries, to whom was referred House Bill No. 579, has had said bill under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed, but that it be printed in the Journal.

CARLOCK, Chairman.

By Raiden and Poage H. B. No. 579
et al.

A BILL
To Be Entitled
An Act amending Sections 12, 13 and 16 of Chapter 10, of the Acts of the Thirty-first Legislature, passed at its fourth called session; providing that the Prison Commission shall purchase machinery, tools and supplies necessary to meet the needs of the penitentiary, and

may establish such factories as in their judgment may be practicable, and providing that the Prison Commission shall not have power to purchase or sell any real estate, except as they are directed to do so by the Legislature; provided, that the Prison Commission with the approval of the Governor may purchase real estate contracted for prior to the passage of this Act; providing how land purchased for the penitentiary is to be paid for, and authorizing the Prison Commission to lease real estate, and describing certain duties of the Attorney General in connection with the purchase and sale of land. Be it enacted by the Legislature of the State of Texas.

Section 1. That Section 12, of Chapter 10, of the Acts of the Thirty-first Legislature, passed at its fourth called session, be amended so as to hereafter read as follows:

Section 12. The Prison Commission shall have the power to purchase or cause to be purchased, with such funds as may be at their disposal, any machinery, tools or supplies needed for the benefit of said prison system; and may establish such factories as, in their judgment, may be practicable and that may afford useful and proper employment to prisoners confined in the State penitentiary, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this Act to clothe said Board of Prison Commissioners with all power and authority necessary for proper management of the prison system of this State.

Sec. 2. That Section 13, of Chapter 10, of the Acts of the Thirty-first Legislature, passed at its fourth called session, be amended so as to hereafter read as follows:

Section 13. The Prison Commission shall not purchase any land for the prison system of the State of Texas unless and until the land to be so purchased and the maximum price to be paid therefor shall have been submitted to and received the approval of the Legislature of this State, and when any purchase of land is so approved the said Prison Commission may pay such sum in cash as may be agreed upon between the vendor and the Prison Commission and for the unpaid purchase money to become due upon said land they

shall execute to the vendor notes payable in such sum and in such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties and may pledge a sufficient amount of the net revenue of the property so purchased to pay the deferred instalments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed to trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenue so pledged and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally, as well as the instalments paid upon the deferred payments, may be paid out of any funds belonging to the said Prison Sysem. The title to all lands purchased by the Prison Commission under the terms of this Act shall be examined, passed upon and approved as good and sufficient by the Attorney General before such deed and conveyance shall be accepted by the Prison Commission, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this Act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission, and their successors in office, as trustees for the State.

Sec. 3. That Section 16, of Chapter 10, of the Acts of the Thirty-first Legislature, passed at its fourth called session, be amended so as to hereafter read as follows:

Section 16. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property, at such prices and on such terms as may be deemed best by them, and they may with the approval of the Governor lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best. The Prison Commission shall not have authority to sell any real estate, except as they

are directed by the Legislature, and when directed by the Legislature to sell any real estate they shall have power to execute proper conveyance to the title thereto, such instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall in the purchase or sale of any machinery or equipment for the Prison System exceeding in value the sum of \$5000, advertised in the manner prescribed by the Prison Commission, for bids for such property in at least three daily papers in this State having a general circulation and shall give all such bids received to the public press at least thirty days before any such contract is let.

Committee Room,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 39, Being a bill to be entitled "An Act to amend Article 3156, Chapter 10, Title 49, of the Revised Civil Statutes of Texas, 1911 so as to provide for appeal from the District Court to the Court of Civil Appeals in cases of contest for nomination for district, county, precinct and municipal offices,"

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass and be printed only in the Journal.

DEAN, Chairman.

By Childers. H. B. No. 39.

A BILL

To Be Entitled

An Act to amend Article 3156, Chapter 10, Title 49, of the Revised Civil Statutes of Texas, 1911, so as to provide for appeal from the District Court to the Court of Civil Appeals in cases of contest for nomination for district, county, precinct and municipal offices. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3156, of Chapter 10, Title 49, Revised Civil Statutes of Texas, revision of 1911, be and the same is hereby amended so as to hereafter read as follows:

Article 3156. The Said Court or Judge shall determine said contest, but the decision may be appealed from, as to all district, county, pre-

inct and municipal offices, to the Court of Civil Appeals, as in case of State offices as provided for by Article 3158, Revised Civil Statutes.

Committee Room,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 449, Being a bill to be entitled "An Act to amend Articles 3871, 3872 and 3889 of the Revised Civil Statutes, 1911, providing compensation to be paid the assessor of taxes for assessing the taxes of State, county, drainage district, road districts and other political subdivisions of the county, and providing compensation for the collector of taxes for collecting the taxes for the State, county, drainage district, road districts or other political subdivisions of the county, fixing the minimum of the excess fees that may be retained by the county judge, sheriff, clerk of the county court, county attorney, clerk of the district court, collector of taxes, justice of the peace and constable in counties having a population of less than twenty-five thousand; repealing Article 3898, Revised Civil Statutes, 1911, and declaring an emergency,"

Has had said bill under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass and be printed only in the Journal.

DEAN, Chairman.

"Engrossed Rider."

By Loggins. H. B. No. 449.

Strike out all before the enacting clause and add the following:

A BILL

To Be Entitled

An Act to amend Articles 3871, 3872, and 3889 of the Revised Civil Statutes, 1911, providing compensation to be paid the assessor of taxes for assessing the taxes for State, county, drainage districts, road districts or other political subdivisions of the county, and providing compensation for the collector of taxes for collecting the taxes for the State, county, drainage districts, road districts, or other political subdivisions of the county, fixing the min-

imum of the excess fees that may be retainer by the county judge, sheriff, clerk of the county court, county attorney, clerk of the district court, collector of taxes, assessor of taxes, justice of the peace and constable in counties having a population of less than twenty-five thousand; repealing Article 3898, Revised Statutes, 1911, and declaring an emergency. Be it Enacted by the Legislature of the State of Texas:

Strike out all after the enacting clause and add the following:

Section 1. That Article 3871, Revised Civil Statutes, 1911, be amended so as to hereafter read as follows:

Art. 3871. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total value of the property assessed as follows: For assessing the State and county taxes; on all sums for the first two Million Dollars (\$2,000,000.00) or less, Five Cents (5c) for each One Hundred Dollars (\$100.00) of property assessed; and on all sums in excess of Two Million Dollars (\$2,000,000.00), and less than Five Million Dollars (\$5,000,000.00), Two and one-fourth cents (2 1-4) on each One Hundred Dollars (\$100.00), and on all sums in excess of Five Million Dollars (\$5,000,000.00), one and seven-tenths cents (1.7c) on each one hundred Dollars; one-half of the above fee shall be paid by the State, and one-half by the county; for assessing the taxes in all drainage districts, road districts, or other political subdivision of the county, the assessor shall be paid 1-2 of 1 per cent on all property assessed; provided such compensation as is paid to the tax assessor to be prorated among the various drainage districts, road districts and other political subdivisions of the county according to the value of the property assessed in each such district, or other subdivision; and for assessing the poll tax, Five cents (5c) for each poll tax which shall be paid by the State. The Commissioners' Court may allow to the assessor of taxes such sums of money, to be paid monthly, from the county treasury, as may be necessary to pay for clerical work, taking assessments and

making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the Commissioners' court shall not exceed the compensation that may be due by the county to him for assessing.

Section 2. That Article 3872, Revised Statutes, 1911, be amended so as to hereafter read as follows:

Article 3872. There shall be paid for the collection of taxes as compensation for the services of the collector, beginning with the first day of September of each year, five per cent (5%) on the first Ten Thousand Dollars (\$10,000.00) collected for the State, and four per cent (4%) on the next Ten Thousand Dollars (\$10,000.00) so collected for the State, and one (1%) per cent on all collected over that sum; for collecting the county taxes, five per cent (5%) on the first Five Thousand Dollars (\$5,000.00) of such taxes collected and four per cent (4%) on the next Five Thousand Dollars (\$5,000.00) collected, and one and one-fourth per cent (1 1-4%) on all such taxes collected over that sum. For collecting the taxes in all drainage districts, road districts, or other political subdivisions of the county, the tax collector shall be paid one-half of one per cent (1/2%) on all such taxes collected; provided that the amount to be paid the tax collector shall be paid by the various drainage districts, road districts, or other political subdivisions of the county on a pro rata basis in accordance with the amount collected for such districts; and in counties owing subsidies to railroads, the collector shall receive only one per cent (1%) for collecting such railroad taxes, and in cases where property is levied upon and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs or constables on making the levy and sale, and similar cases, but in no case to include commission on such sales; and on all occupation and license taxes collected five per cent (5%).

Section 3. That Article 3889, Revised Civil Statutes, 1911, as amended by Chapter 121, Acts of

the Thirty-fifth Legislature, passed at its regular session be amended to read as follows:

Article 3889. Each officer named in this Chapter shall first, out of the fees of his office pay or be paid, the amount allowed him, under the provisions of this Chapter, together with the salaries of his assistants or deputies. If the fees of such office collected in any year be more than the amount needed to pay the amount allowed such officer and his assistants and deputies, same shall be deemed excess fees, and of such excess fees such officer in counties having less than twenty-five thousand, (25,000) inhabitants shall retain one fourth (1-4) until such one fourth (1-4) amounts to the sum of Twelve Hundred (\$1200.00) Dollars, and in counties having between Twenty-five thousand (25,000) and thirty-eight thousand (38,000) inhabitants, such officer shall retain one-fourth (1-4) of the excess fees, until such one-fourth (1-4) amounts to the sum of Twelve Hundred and Fifty, (\$1250.00) Dollars and counties containing a city of more than Twenty-five thousand (25,000) population and in which county the population exceeds Thirty-eight Thousand (38,000) until such one-fourth (1-4) amounts to the sum of fifteen hundred (\$1500.00) dollars. Such population to be based on the United States Census last preceding any given year. All amounts received by such officer as fees of his office, besides those which he is allowed to retain by the provisions of this Chapter, shall be paid into the county treasury of such county.

Section 4. That Article 3898, Revised Civil Statutes of 1911, as amended by Chapter 121, Acts Thirty-third Legislature, passed at its regular session be, and is hereby, in all things repealed.

Section 5. The fact that much confusion exists as to what compensation tax assessors and collectors should receive for assessing and collecting taxes in drainage districts, road districts and other political subdivisions of a county, and that there is now no limit as to the amount a county officer in counties having less than twenty-five thousand (25,00) population may receive in excess fees, creates an emergency and an imperative public necessity de-

manding that the constitutional rule requiring bills to be read on three several days of each House, be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

By Loggins.

H. B. No. 449.

A BILL

To Be Entitled

An Act to amend Articles 3871, 3872 and 3889 of the Revised Civil Statutes, 1911, providing compensation to be paid the Assessor of Taxes for assessing the taxes for State, county, drainage districts, road districts or other political subdivisions of the county, and providing compensation for the Collector of Texas for collecting the taxes for the State, county, drainage districts, road districts or other political subdivisions of the county, fixing the maximum of the excess fees that may be retained by the County Judge, Sheriff, clerk of the County Court, County Attorney, clerk of the District Court, Collector of Taxes, Assessor of Taxes, Justice of the Peace and Constable in counties having a population of less than twenty-five thousand; repealing Article 3898, Revised Statutes, 1911, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3871, Revised Statutes, 1911, be amended so as to hereafter read as follows:

Art. 3871. Each Assessor of Taxes shall receive the following compensation for his services, which shall be estimated upon the total value of the property assessed, as follows:

For assessing the State and county taxes: On all sums for the first two million dollars (\$2,000,000.00) or less, five cents (5c) for each one hundred dollars (\$100.00) of property assessed; and on all sums in excess of two million dollars (\$2,000,000.00) and less than five million dollars (\$5,000,000.00), two and one-fourth cents (2 1-4c) on each one hundred dollars (\$100.00); and on all sums in excess of five million dollars (\$5,000,000.00), one and seven-tenths cents (1.7c) on each one hundred dollars; one-half of the above fee shall be paid by the State and one-half by the county. For assessing the taxes in all drainage districts, road districts or other po-

litical subdivisions of the county, the Assessor shall be paid 1 per cent on all property assessed on all sums for the first two million dollars (\$2,000,000.00) or less, five cents (5c) for each one hundred dollars (\$100) of property assessed; and on all sums in excess of two million dollars (\$2,000,000.00) and less than five million dollars (\$5,000,000.00), two and one-fourth cents (2 1-4c) on each one hundred dollars (\$100.00.); and on sums in excess of five million dollars (\$5,000,000.00), one and seven-tenths (1.7c) on each one hundred dollars (\$100.00); provided, that in estimating the compensation to be paid for assessing the taxes in such drainage districts, road districts or other political subdivisions of the county, all such drainage districts, road districts or other political subdivisions of the county shall be counted together as one total; provided such compensation as is paid to the Tax Assessor to be prorated among the various drainage districts, road districts and other political subdivisions of the county according to the value of the property assessed in each such district or other political subdivision; and for assessing the poll tax, five cents (5c) for each poll, which shall be paid by the State. The Commissioners' Court may allow to the Assessor of Taxes such sums of money, to be paid monthly, from the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the Assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the Assessor by the Commissioners' Court shall not exceed the compensation that may be due by the county to him for assessing.

Sec. 2. That Article 3872, Revised Statutes, 1911, be amended so as to hereafter read as follows:

Art. 3872. There shall be paid for the collection of taxes, as compensation for the services of the Collector, beginning with the first day of September of each year, five per cent (5 per cent) on the first ten thousand dollars (\$10,000.00) collected for the State and four per cent (4 per cent) on the next ten thousand dollars (\$10,000.00) so collected for the State, and one (1 per cent) per

cent on all collected over that sum; for collecting the county taxes, five per cent (5 per cent) on the first five thousand dollars (\$5,000.00) of such taxes collected, and four per cent (4 per cent) on the next five thousand dollars (\$5,000.00) collected, and one and one-fourth per cent (1 1-4 per cent) on all such taxes collected over that sum. For collecting the taxes in all drainage districts, road districts or other political subdivisions of the county, the Tax Collector shall be paid five per cent (5 per cent) on the first five thousand dollars (\$5,000.00) of such taxes collected, and four per cent (4 per cent) on the next five thousand dollars (\$5,000.00), one per cent on all such taxes collected, and one and one-quarter (1 1-4 per cent) per cent on all such taxes collected over that sum; provided that in estimating the amount to be paid the Tax Collector for collecting the taxes in such drainage districts, road districts or other political subdivisions of the county, shall be added together and the amount to be paid the Tax Collector shall be estimated on the total amount of taxes collected for the various drainage districts, road districts or other political subdivisions in the county; provided that the amount to be paid the Tax Collector shall be paid by the various drainage districts, road districts or other political subdivisions of the county on a pro rata basis in accordance with the amount collected for such districts; and, in counties owing subsidies to railroads, the Collector shall receive only one per cent (1 per cent) for collecting such railroad taxes, and in cases where property is levied upon and sold for taxes, he shall receive the same compensation as allowed by law to Sheriffs or Constables on making the levy and sale, and similar cases; but in no case to include commission on such sales; and, on all occupation and license taxes collected, five per cent (5 per cent).

Sec. 3. That Article 3889, Revised Statutes, 1911, as amended by Chapter 121, Acts Thirty-third Legislature, passed at its regular session, be amended to read as follows:

Art. 3889. Each officer named in this chapter shall first, out of the fees of his office, pay or be paid, the amount allowed him, under the provisions of this chapter, together with the salaries of his assistant or depu-

ties. If the fees of such office collected in any year be more than the amount needed to pay the amount allowed such officer and his assistants and deputies, same shall be deemed excess fees, and of such fees such officer in counties having less than twenty-five thousand (25,000) inhabitants, shall retain one-fourth (1-4) until such one-fourth (1-4) amounts to the sum of twelve hundred (\$1200.00) dollars, and in counties having between twenty-five thousand (25,000) and thirty-eight thousand (38,000) inhabitants, such officer shall retain one-fourth (1-4) of the excess fees, until such one-fourth (1-4) amounts to the sum of fifteen hundred dollars (\$1500.00), such population to be based on the United States census last preceding any given year. All amounts received by such officer as fees of his office, besides those which he is allowed to retain by the provisions of this chapter, shall be paid into the county treasury of such county.

Sec. 4. That Article 3898, Revised Civil Statutes of 1911, as amended by Chapter 121, Acts Thirty-third Legislature, passed at its regular session, be and the same is hereby in all things repealed.

Sec. 5. The fact that much confusion exists as to what compensation Tax Assessors and Collectors should receive for assessing and collecting taxes in drainage districts, road districts and other political subdivisions of a county, and that there is now no limit as to the amount a county officer in counties having less than twenty-five thousand (25,000) population may receive in excess fees, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days of each house be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Mining and Irrigation having had under consideration H. B. No. 189, beg leave to report the same with the recommendation that it do pass and that it be not printed, but be printed in the Journal.

Respectfully submitted,

DUDLEY, Chairman.

By Taylor, et al.

H. B. No. 189.

A BILL

To be entitled.

An Act to authorize the guardians of estates to make mineral leases on real estate of their wards, and prescribing the manner in which the said mineral leases shall be made, and repealing Chapter 44 of the General Laws of the Regular Session of the Thirty-fourth Legislature approved March 12th, 1915, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the guardians of the estates of minors or any other persons, appointed under the laws of the State of Texas, which have heretofore been appointed or which may hereafter be appointed, shall have the authority to make mineral leases upon the real estate belonging to the estates of their wards.

Sec. 2. That whenever a guardian of the estate of any persons shall desire to make a mineral lease upon the real estate of his ward, he shall apply to the county judge of the county where such guardianship is pending for authority to make and execute such mineral lease, and such application shall be in writing and sworn to by such guardian, and the county judge, either in term time or vacation, shall hear such application, and shall require proof as to the necessity or advisability of such lease, and if he shall approve the same, he shall enter an order on the minutes of the probate court, either in term time or vacation, authorizing the guardian to make such mineral lease, which order shall set out the terms upon which it shall be made; provided, that in the case of such leases executed by guardians of minors, no lease shall extend beyond the time that the ward shall become twenty-one years of age, unless at that time the lessee shall have discovered such minerals as are specified in the lease, or any of such minerals, upon the premises described in such lease in which event the same shall remain in full force so long as such minerals or any or either of them shall be produced in paying quantities.

Before such application shall be heard by the county judge, notice of such application shall be given by the guardian for one week prior to the time such application shall be heard by publishing same in some newspaper

of the county where said guardianship is pending, for one issue of said paper, and such notice shall state when and where such application shall be heard.

It is further provided that after notice and hearing of said application and the granting of the same by the probate court, that said guardian shall be fully authorized to make the mineral lease upon the real estate of the ward, in accordance with the judgment of the county court acting upon the same.

Sec. 3. Chapter 44, General Laws of the Thirty-fourth Legislature, approved March 12th, 1915, is hereby repealed.

Sec. 4. Owing to the fact that there is no adequate law in effect authorizing the execution of mineral leases by guardians upon the property of their wards, and owing to the further fact that such laws as are now in force are too restrictive and are retarding development of property for mineral purposes to the detriment of the estates of persons under guardianship an emergency is created and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act shall be in force from and after its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 32, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:42 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 62, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:42 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By McNealus.

S. B. No. 62.

A BILL To Be Entitled

An Act to repeal Article 1429 of the Penal Code of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1429, Title 17, Chapter 18, of the Penal Code of Texas (1911), requiring printed copies of the law to be posted, be and the same is hereby repealed.

Section 2. The fact that the present law is believed to be unconstitutional under the decision of Jannin vs. State, 51 S. W. Rep., 1126, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 227, and find it correctly enrolled, and have this day at 10:42 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Parr.

S. B. No. 227.

A BILL To be entitled.

An Act to amend Section 5, Chapter 181, General Laws enacted at the Regular Session of the 35th Legislature, as amended by Chapter 63, Fourth Called Session of the 35th Legislature, relating to the grading and inspection of onions; providing that only those desiring their onions to be inspected shall be required to submit to State Inspection; authorizing railway and express companies to accept for shipment graded and non-graded onions, under certain conditions and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5, of Chapter 181, General Laws enacted at the Regular Session of the 35th Legislature, as amended by Chapter 63, General Laws of the Fourth Called Session of the 35th Legislature, be

amended as to hereafter read as follows:

Section 5. It shall be the duty of the Commissioner of Agriculture to appoint inspectors to inspect fruits and vegetables at the different shipping or loading stations in this State, when called upon by the growers, shippers or shippers' agents representing the growers, and the expenses of such inspectors shall be paid by said growers, shippers or shippers' agents. Where two or more shipping agents are operating at the same shipping point, and one of them requests a State Inspector and such inspector is appointed by the Commissioner of Agriculture, each shipping agency at said shipping point shall be required to come under the State Inspector, and each shall pay his pro rata share of the expenses of inspection.

Provided, that in the grading, packing and inspection of onions, only those shippers who desire State Inspection shall be required to have their onions inspected under State authority, and all railway and express companies may accept and ship onions not inspected by State Inspectors, provided that graded and non-graded onions shall not be shipped in the same car, except in less than car load lots.

The Commissioner of Agriculture shall furnish a blank form or certificate to all State Inspectors, to be filled out by them to accompany each carload of fruits and vegetables, where State inspection is enforced. Said certificate shall contain the name and number of the car, the kind and grade of fruits or vegetables, and number of packages contained, the date of shipment and name of inspector, together with the words, "Graded and Packed under State Inspection."

Sec. 2. The fact that the onion shipping season is near at hand, and that the many shippers of onions desire to take advantage of the provisions of this bill creates a public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the said rule shall be and is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 244, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:42 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Dean.

S. B. No. 244.

A BILL

To Be Entitled

An Act amending Article 3003 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 30, Acts of the Fourth Called Session of the Thirty-fifth Legislature, so as to prohibit the giving of any assistance to a voter in preparing his ballot, except when such voter is unable to prepare the same himself because of some bodily infirmity which renders him physically unable to write, or is over sixty years of age, and providing that ballots prepared in violation of this Article shall be void; and amending Article 258, Chapter 2, Title 6, Revised Penal Code of 1911, so as to provide a penalty for the violation of said Article 3003, as the same is hereby amended, and amending the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, Chapter 30, by making it mandatory for both parties to use the English language when assistance is given to a voter; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3003, Revised Civil Statutes of 1911, as amended by Chapter 30, Acts of the Fourth Called Session of the Thirty-fifth Legislature, approved March 23, 1918, be so amended as hereafter to read as follows:

Article 3003. Not more than one person at the same time shall be permitted to occupy any one compartment, voting booth or place prepared for a voter, nor shall any assistance be given a voter in preparing his ballot, except when a voter is unable to prepare the same himself because of some bodily infirmity, such as renders him physically unable to write, or is over sixty years of age and is unable to read and write, in which case two judges of such election shall assist him, they having been first sworn that they will not

suggest, by word or sign or gesture, how such voter shall vote; that they will confine their assistance to answering his questions, to naming candidates, and the political parties to which they belong, and that they will prepare his ballot as such voter himself shall direct; provided that the voter must in every case explain in the English language how he wishes to vote, and no judge of the election shall use any other than the English language in aiding the voter, or in performing any of his duties as such judge of the election, and in all cases where assistance is given hereunder, two judges of the election shall assist such voter, they having been first sworn that they will not suggest by word, sign, or gesture how such voter shall vote; that they will confine their assistance to answering his questions in the English language, to naming candidates and, if the voting be at a general election, to naming the parties to which such candidates belong, and that they will prepare the ballot as such voter directs, in the English language; and where any assistance is rendered in preparing a ballot other than as herein allowed, the ballot shall not be counted, but shall be void for all purposes. If the election be a general election, the judges who assist such voters shall be different political parties, if there be such judges present, and if the election be a primary election, a supervisor, or supervisors, may be present, when the assistance herein permitted is being given, but such supervisor or supervisors must remain silent except in cases of irregularity or violation of the law.

Section 2. Article 258. Any judge or other officer at an election who assists any voter to prepare his or her ballot, except when a voter is unable to prepare the same on account of blindness or some bodily infirmity such as renders him unable to write, or is over sixty years of age, or who shall aid such voter by using any other than the English language, or shall violate any of the provisions of Article 3003 as amended by this Act, shall be deemed guilty of a misdemeanor; and any judge or other officer of an election who, in assisting a voter so incapacitated, or over sixty years of age, in the preparation of his or her ballot, shall prepare the same otherwise than such voter shall direct in

the English language, shall be deemed guilty of a misdemeanor. Any person convicted under this Article shall be punished by a fine of not less than \$200 and not more than \$500, or by confinement in the county jail for not less than two months and not more than twelve months, or both by such fine and imprisonment.

Section 3. The importance of this legislation, and the fact that the calendars of both Senate and House of Representatives are very much crowded and the near approach of the end of the session creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that bills be read on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

FORTY-SECOND DAY.

Senate Chamber,

Austin, Texas, March, 12, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	Johnston.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorough.

Petitions and Memorials.

See Appendix.